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Committee on Economic, Social and Cultural Rights
Fifty-fourth session

Summary record of the 3rd meeting
Held at the Palais Wilson, Geneva, on Tuesday, 24 February 2015, at 10 a.m.

Chairperson: Mr. Sadi

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The meeting was called to order at 10 a.m.

Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Fourth periodic report of Paraguay (continued) (E/C.12/PRY/4; E/C.12/PRY/Q/4 and Add.1; HRI/CORE/PRY/2010)

1. *At the invitation of the Chairperson, the delegation of Paraguay took places at the Committee table.*

2. **Ms. Ferreira** (Paraguay) said that while significant progress had been made with respect to the rights of persons with disabilities, there was still room for improvement. Measures had been taken to promote the employment of persons with disabilities and to protect them from discrimination. Under the law, all government institutions had to ensure that at least 5 per cent of their workforce consisted of persons with disabilities. Moreover, legislation established incentives for the employment of persons with disabilities in the private sector, including tax cuts for enterprises which employed such persons. Institutions were audited twice a year to ensure that persons with disabilities were being employed; while such audits showed that most institutions complied with legislation, those that did not were given a six-month period to make the necessary changes.

3. With regard to violence against children and adolescents, a bill prohibiting cruel and humiliating treatment of minors had been drafted and discussed in public hearings. The text would be formally debated in two months' time.

4. **Mr. Cáceres** (Paraguay) said that the Ministry of Labour, Employment and Social Security had been established to provide protection to workers and to fill historical gaps. Referring to concerns about trade union registration, he said that Paraguay was a signatory to the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and that the rules relating to trade unions were in conformity with the Convention and sought to codify trade unions. Most trade unions welcomed the initiative taken by the Government and realized that registration was not intended to undermine their activities. Nevertheless, the Ministry was aware that it had to improve the registration process and address certain obstacles, which included the reluctance of some unions to provide the Government with lists of their members. Article 98 of the Paraguayan Constitution guaranteed the right to strike as long as exercise of that right did not jeopardize basic services. Those services had been defined in a separate law and were different for public servants and persons working in the private sector.

5. In response to questions regarding the minimum wage, he said that the Labour Code provided for a minimum wage, but the concept had first been introduced in the 1960s and required updating, as it assumed that men were the sole breadwinners. The Ministry was concerned about the inadequacy of the minimum wage, but most persons who earned the minimum wage worked in the informal sector. Paraguay had been a party to the ILO Domestic Workers Convention, 2011 (No. 189) since May 2013, and Congress had begun discussing the remuneration of such workers with a view to establishing a minimum wage.

6. In response to a question raised at the previous meeting, he said that, in the past, labour inspections had been riddled with corruption and that labour inspectors had been poorly trained. The Ministry had tried to improve labour inspection by, inter alia, establishing a labour police force.

7. Legislation was in place to combat discrimination against persons with HIV/AIDS. As to the issue of forced labour, it seemed to be prevalent in specific areas, such as on sugar

plantations, in quarries in northern Paraguay and among indigenous populations in the Paraguayan Chaco. In the latter case, the victims were usually indigenous persons in debt bondage who worked for ranchers. While labour inspections could be carried out in plantations and quarries, it was harder to conduct inspections in the Chaco, which was a large, thinly populated region where the State was not well represented. The Ministry was nevertheless trying to tackle the problem, inter alia by meeting with trade union and indigenous leaders in the region to collect data, and was working with independent consultants and the National Institute of Indigenous Affairs (INDI).

8. **Mr. Richer** (Paraguay) said that domestic work was deeply rooted in Paraguay and that the rights of such workers had often been violated in the past. The Government was therefore working on a bill on domestic work that provided for eight-hour working days, health coverage and pensions. The bill had already been adopted by the Senate, but still contained serious shortcomings, as the proposed wage was 60 per cent of the minimum wage. The bill would be introduced in the Chamber of Deputies, and the Government hoped that the deputies, trade unions and civil society would fight to ensure that the new legislation ended such discrimination.

9. **Ms. Fernández** (Paraguay) said that discrimination in the provision of health services was prohibited by law. The relevant legislation ensured, inter alia, that women who had undergone abortions would receive appropriate care in the event of complications arising from their abortions. All health services and records were strictly confidential.

10. The maternal mortality rate had been significantly reduced over the past decade, although there were still variations between rural and urban areas. Various steps had been taken to prevent maternal and neonatal deaths, which were down 38 and 18 per cent respectively, compared to 2013. Paraguay was now measles-free and would soon be free of malaria.

11. **Mr. Molinas Cárdenas** (Paraguay) said that the 2014 health budget was the largest in the past 14 years.

12. **Ms. Fernández** (Paraguay) said that parents were encouraged to register their children as soon as they were born. Certain hospitals would issue birth certificates and identification for babies, and there were plans to expand the number of hospitals that offered such services. In response to concerns that had been raised about malnutrition, she said that the campaign to provide milk to malnourished children under the age of 5 had been very successful, particularly in the western part of the country.

13. **Mr. Molinas Cárdenas** (Paraguay) said that according to data from the ILO impact assessment of child labour in Paraguay, 75 per cent of child workers had stopped working, 14 per cent continued to work and 11 per cent were being withdrawn from work. In addition, studies showed that the family grant programme had had very positive effects on school attendance, vaccinations and health care for children. Various measures to improve nutrition, access to education and health had also been very successful. The issue of poverty was multidimensional, and the only way families could escape poverty was to become autonomous and generate their own income. His Government was therefore developing programmes to assist small-scale farmers and microenterprises and improve access to credit.

14. **Mr. Codas** (Paraguay) said that his country was trying to tackle the issue of extreme poverty and had implemented innovative programmes in that regard. The social programme *Abrazo* ("Embrace") sought, inter alia, to improve access to education and health care for poor children. The National Secretariat for Children and Adolescents had supported a bill that sought to strengthen such programmes by identifying reliable sources of funding for their implementation. Finally, Paraguay had developed a programme to address the issue of street children with addictions.

15. Mr. Servín (Paraguay) said that responses to the 2002 census from persons of indigenous origin concerning how they made a living had indicated the existence of forced labour on ranches, particularly in the Paraguayan Chaco. A participatory study of the issue was planned for 2015, with a questionnaire designed to produce accurate qualitative and quantitative information on debt servitude as referred to in the above-mentioned ILO report.

16. As to the right to food, indigenous groups did not necessarily have the same viewpoint as other members of the community; any work on the issue needed to involve their participation. A small-scale project run by INDI and supported by the Food and Agriculture Organization of the United Nations (FAO) was aimed at revitalizing ancestral farming practices, especially native seed stock, the project represented a potentially very important source of knowledge. Water was abundant in many parts of Paraguay, but more than 200 indigenous, Mennonite and other communities in the Paraguayan Chaco were being supplied with drinking water. Initiatives included infrastructure repairs, an aqueduct and rooftop tanks for water storage.

17. Because 93 per cent of indigenous communities lived in rural areas, a mobile civil registry had been created to meet their needs for birth registration and the issuance of national and indigenous identity cards.

18. New data from December 2014 showed that 11.3 per cent of the indigenous population had some auditory, visual or motor disability. The figures for serious physical and psychological disabilities would be available in March or April 2015.

19. INDI had no record of any eviction of an indigenous community in 2012. The two educational centres built in the centre and south of the country provided training for 20,000 indigenous young persons between the ages of 14 and 25. Work carried out over the previous decade had culminated in the draft Indigenous Health Act, which was currently before parliament.

20. **Ms. Zarza** (Paraguay) said that the 4.4 per cent of gross domestic product (GDP) invested in education represented 12 per cent of public spending. Priority in infrastructure improvement was given to rural schools, the investment being funded from a mixture of public resources, European Union funding and conversion of public debt. New data showed a significant rise in the proportion of indigenous children attending school (67 per cent). A plurilingual curriculum had been developed in consultation with indigenous communities and mother-tongue educational materials had been introduced in 2013, with appropriate staff training. A new Inclusive Education Act had been adopted in 2013 and 20 per cent of children with disabilities were now enrolled in school.

21. Under new legislation, national and local government resources funded the provision of free school meals and milk, although currently only 30 per cent of those entitled through means testing actually took advantage of that benefit.

22. **Ms. Weiss de Bogarín** (Paraguay) said that, pursuant to the 2010 Language Act, Guaraní was used in early-years education, with children becoming functionally bilingual by the time they reached year 6. Guaraní was a mandatory subject in all schools, but none used it exclusively. Teacher training and university courses were also available in Guaraní. Efforts were being devoted to the documentation and revitalization of other indigenous languages.

23. **Ms. Samaniego Acosta** (Paraguay) said that the amendments to article 229 of the Criminal Code, promulgated in December 2014, had created a specific offence of domestic violence that did not necessarily involve systematic violence or physical or psychological harm and did not require the victim to have been cohabiting with the perpetrator.

24. **Ms. García** (Paraguay) said that work was continuing on the expansion of the definition of domestic violence as an offence. Record-keeping and institutional linkages

needed improvement. It had been found that 18.5 per cent of persons had experienced violence, particularly psychological violence, within the family. The error in table 11 of the core document (HRI/CORE/PRY/2010) had been noted and would be rectified before the submission of the next periodic report to a treaty body. Current projects aimed at the economic, social and political empowerment of women living in extreme poverty were producing results and were to be extended to other parts of the country. Paraguayan Women's Day, instituted in 1867 by the First Assembly of American Women, was celebrated on 24 February. Although much had been achieved for women in Paraguay since the adoption of the Beijing Platform for Action, much remained to be done. It was hoped that the post-2015 agenda would bring a new paradigm of gender strategies and guidelines, as well as more funding.

25. **Mr. Ramírez** (Paraguay) said that statistical data were available on offences relating to family violence under both the Criminal Code and the Domestic Violence Act (No. 1600). Of the cases included in the database for the period 2012–2014, 6 per cent were related to domestic violence. Specific data on cases tried would be supplied to the Committee.

26. **Mr. Guzmán** (Paraguay) said that special provision had been made for the employment of persons with disabilities in the public sector in 2015; it was hoped to raise their number to 5 per cent of staff.

27. **Mr. Molinas Cárdenas** (Paraguay), noting that some of the Committee members' questions had not been answered, undertook to provide the relevant information within 48 hours.

28. **The Chairperson** thanked the delegation for its efforts to answer the Committee's questions and took note of the undertaking to provide additional information. He invited members of the Committee to raise any further questions.

29. **Ms. Shin**, welcoming the abolition of the cohabitation requirement in the legislation on domestic violence, asked whether the definition of beating would be revised to qualify it as violence. Would the Criminal Code be revised so as to avoid prosecuting women who had had abortions after being raped? She called for better guidelines, campaigns and education on the subject, particularly for medical staff. Welcoming the decline in the maternal mortality rate, she pointed out that the figure of 96.3 maternal deaths per 100,000 live births was still very high. The registration of hospital births was to be welcomed, but statistics on the proportion of births, especially to indigenous women, that took place at home would offer some perspective. The mobile registration unit was a development to be encouraged. She asked what percentage of schools had separate toilet facilities for girls and boys.

30. **Ms. Bras Gomes** noted that none of her questions on social security had been answered. She had asked for details on the voluntary social security scheme, in particular: who paid into it and how much; whether there was a mandatory social security scheme for self-employed workers; and what the Government was doing to combat evasion of social security contributions. Referring to the International Social Security Association website, she said that, despite Paraguay having 11 flagship programmes, access to non-contributory programmes was still very low. Was there any discussion at national level of the introduction of a social protection floor?

31. **Mr. Uprimny Yepes** said he would welcome information on tax revenue, public spending, and economic and social rights. Despite economic growth in recent years, there was little tax revenue, perhaps because of the regressive taxation system. In a country where 45 per cent of the population lived in the countryside, rural poverty and inequality were particularly serious, with a lower GINI coefficient in rural areas. Soybean cultivation could be compounding the problem. He asked for information on the social security

benefits available to partners of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and on anti-discrimination policy. He also wished to know what was being done to comply with the recommendation of the Inter-American Court of Human Rights on land titles for indigenous communities. Noting that the core document (HRI/CORE/PRY/2010), which gave figures for 2009–2010, mentioned a major decline in vaccination rates, he was surprised to see that the periodic report showed an improvement and asked for further details.

32. **Mr. Martynov** asked about the Government's agrarian reform strategy, given that so much land was owned by so few. The periodic report stated that 60 per cent of indigenous communities owned their land. What was the current figure and were those communities completely satisfied with their land entitlement in respect of their ancestral lands? He would also welcome information on landownership by poor non-indigenous rural communities.

33. **Mr. Ribeiro Leão** (Country Rapporteur) asked for more information on the fight against corruption, which was vital in combating both rural and urban poverty.

34. **Mr. De Schutter** requested details on the agrarian reform and soybean cultivation. The Comprehensive Food and Nutrition Programme (PANI) had been under way since 2005 but more than 20 per cent of the population still suffered from malnutrition. Could the lack of effectiveness be attributed to poor funding, resulting perhaps from the regressive taxation system? And had the authorities considered how PANI might be converted, for instance, into a legally binding programme?

35. **Mr. Codas** (Paraguay) said that public awareness of the problem of corruption had increased in recent years. The Supreme Court, further to its conviction of members of a local government in a corruption case brought by the public prosecutor, had issued a decision setting forth the right of access to public information. The judiciary had accordingly published information on the remuneration of its staff. Legislation had been introduced, based on the principle of active transparency and in compliance with international treaties on corruption, setting out the obligation of all public officials to declare their earnings and ensuring access to public information. In addition, under the National Secretariat against Corruption all State departments were required to establish a complaints unit that included provision for witness protection. The Attorney General's Office included lawyers specializing in financial corruption. Since 2009 there had been 37 convictions for corruption and over US$ 1 million had been recovered as a result of prosecutions for corruption.

36. **Mr. Molinas Cárdenas** (Paraguay) added that under current measures to combat corruption it was expected that very large amounts would be recovered. An official from the Secretariat for Social Action had recently been charged with corruption.

37. **Ms. García** (Paraguay) said that amendments had been made to legislation on domestic violence, removing the requirement that violent acts should be recurrent in order to be defined as an offence and brought before the courts.

38. **Mr. Cáceres** (Paraguay) said that efforts had been undertaken to rectify the structural weakness of the Social Security Institute, which entailed close cooperation between the Institute, the Ministry of Labour and other relevant offices in order to carry out cross-referencing of databases relating to enterprises and plan joint labour inspections. Employees not covered by social security were registered by the Ministry of Labour. The Social Security Institute imposed sanctions on employers found evading social security contributions; the fines imposed for such an offence would be harmonized.

39. The economically active population accounted for 64 per cent of the total population, and contributions to the main social security regime had significantly increased in recent

years, in line with the growth of the economically active population. The largest proportion of social security contributions was made by the private sector (36 per cent). Contributions were not compulsory for self-employed persons. The reform of the social security system had led to the creation of the present Ministry of Labour, which had been granted specific powers concerning social security. Lastly, a bill had been drafted providing for the establishment of an oversight mechanism operated by the Central Bank and the Ministry of Labour with a view to ensuring proper investments in social security funds and preventing the transfer of funds to foreign banks.

40. **Mr. Molinas Cárdenas** (Paraguay) said that the Social Affairs Cabinet had drawn up minimum standards for areas such as health, education and civil registers. They would be implemented in the relevant institutions with a view to removing families from poverty.

41. **Ms. Zarza** (Paraguay) said that, according to data from 2012, 98 per cent of the 8,000 schools in Paraguay had separate toilets for boys and girls. The schools without separate facilities were attended by children from indigenous communities in rural areas. In fact, 37 per cent of all schools for indigenous children did not have separate facilities. The construction of separate facilities, financed by the Ministry of Education, in all educational establishments where they were currently lacking was expected to be completed in 2015.

42. **Mr. Martínez** (Paraguay) said that the main obstacles to the proper upkeep of civil registers were insufficient financial resources, complicated administrative procedures and lack of training of officials. Initiatives had been taken to improve the upkeep of registers and included granting the Directorate-General of the Civil Registry institutional status and setting up a training centre. In addition, a department had been established to encourage registration of indigenous groups. It was hoped that the mobile registration campaigns, which had successfully reached vulnerable groups but had been discontinued owing to lack of funds, would be reintroduced in the near future.

43. **Mr. Molinas Cárdenas** (Paraguay) said that measures to protect vulnerable groups from extreme poverty were in place and included food donations. Through the *Abrazo* programme and other initiatives, around 240,000 families had benefited and been kept from extreme poverty.

44. **Mr. Richer** (Paraguay) said that the cultivation of soya in the country had resulted in the loss of small-scale family farms, an increase in hunger, the migration of rural communities to urban areas and irreparable environmental damage. Even where legislation on land cultivation and environmental protection was adequate, its enforcement was ineffective. A bill focusing on the right to food and protection for persons working in agriculture had been prepared and would be presented to parliament shortly.

45. Abortion remained a sensitive issue in the State party; its possible legalization had never been addressed by any branch of government. Nevertheless, a debate on abortion had been sparked in civil society, which could prove to be the first step towards its becoming a legislative issue.

46. **Mr. Molinas Cárdenas** (Paraguay) said that within the framework of the fight against poverty, various programmes had been developed to increase financial and human resources and to improve institutional mandates. While social spending remained low owing to poor tax revenues, an Act on personal income-related tax had been adopted which covered an increasing number of citizens. As a result, tax revenues were rising. Further work was required regarding land taxes.

47. **Ms. Fernández** (Paraguay) said that the figures cited by the Committee regarding malnutrition were not reliable. The State party was working with FAO to improve data collection in that area. Programmes to alleviate hunger had been established, including the PANI, which reached large numbers of children, provided special assistance to children

under 5 and pregnant women, and had been carried out primarily in the west of the country. The *Abrazo* programme provided support to enable indigenous communities to grow crops and become self-sufficient. A countrywide programme of vaccinations against the human papilloma virus had been launched and rubella had been eliminated.

48. **Mr. González Bibolini** (Paraguay) said it was important to disassociate the problem of soya cultivation from the flow of Brazilian immigrants into the country. The State party welcomed immigrants and was open to foreign investment.

49. **Mr. Codas** (Paraguay) said that a comprehensive care programme for street children (PAINAC) had been established to provide immediate protection for children and young people and to promote the recovery and rehabilitation of children dependent on toxic substances.

50. **Ms. Ferreira** (Paraguay) said that a pilot programme had been initiated for the construction of community homes for persons with disabilities. It was hoped that by the end of 2015 those homes would be completed.

51. **Mr. Molinas Cárdenas** (Paraguay) said that his delegation deeply regretted that the time allocated for replies to the Committee had been inadequate. Various institutions had invested money and resources to prepare for the dialogue with the Committee, and for that reason it might be useful to revise the reporting methodology employed. He thanked the Committee for its concern and interest. The rights enshrined in the Covenant were of paramount importance to his Government, and the Committee's recommendations would be taken into account in the formulation of policies and programmes.

52. **Mr. Richer** (Paraguay) said that the time allocated to questions and replies had not been equally distributed.

53. **Mr. Ribeiro Leão** thanked the delegation for the open and constructive dialogue. The fact that all branches of government were represented in the delegation was noteworthy. It was true that there had not been sufficient time and the delegation's comments would be taken into consideration.

54. **The Chairperson** expressed his thanks for the delegation's candidness about the pressure of time affecting the quality of the dialogue. Regrettably, the reporting procedure had been shortened due to financial constraints. In its future replies, the State party should refer to the specific provisions of the Covenant that corresponded with new measures described. It might also wish to mention any human rights education initiatives undertaken. The delegation's engagement with the Committee served as a model for other countries.

55. **Mr. Molinas Cárdenas** (Paraguay) said that the human rights training provided in the State party had been commended by the representative of the United Nations High Commissioner for Human Rights in Paraguay. A publication on human rights education outlining best practice in Paraguay would be issued in due course.

The meeting rose at 1 p.m.